

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	
	:	Chapter 15
PB LIFE AND ANNUITY CO. LTD, et al,	:	
	:	Case No. 20-12791-LGB
Debtor in Foreign Proceeding.	:	(Jointly Administered)
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UNIVERSAL LIFE INSURANCE COMPANY,	:	
	:	
<i>Plaintiff,</i>		Adv. Proc. No. 21-01169-lgb
v.		
GREG E. LINDBERG, individually, et al.,		
<i>Defendants.</i>		

**NOTICE OF MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that on November 22, 2021, or as soon thereafter as the Court may allow, the undersigned counsel for Defendants Greg Lindberg, Academy Financial Assets, LLC, Alpine Capital, LLC, Atlas Financial Investments, LLC, Augusta Asset Management, LLC, Capital Assets Management I, LLC<sup>1</sup>, Capital Assets Management II, LLC, Capital Assets Management III, LLC, CSI Interco, LLC, Eli Global, LLC, GBI Group, LLC, GBIG Capital, LLC, GBIG Holdings, LLC<sup>2</sup>, Global Insurance Capital, LLC, Hampton Asset Management, LLC<sup>3</sup>, Iron City Asset Management, LLC<sup>4</sup>, Jackson Assets Management, LLC<sup>5</sup>, Kite Asset Management,

<sup>1</sup> Moving Defendants assert that this entity appears to be misidentified in Plaintiff’s First Amended Complaint.

<sup>2</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

<sup>3</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

<sup>4</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

<sup>5</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

LLC<sup>6</sup>, New England Capital, LLC, Parallel Capital Assets, LLC, Tybee Island Asset Management, LLC<sup>7</sup>, AGH Parent, LLC, ASiM Holdings, LLC, ASL Holdings, LLC, BLH Capital, LLC, Capital Assets Fund I, LLC, Capital Assets Fund II, LLC, Chatsworth Asset Management, LLC, Drummond Group, LLC, Dunhill Holdings, LLC, Englert Holdings, LLC, Flagship Holdings, LLC, Fortrex, LLC, Gilford Asset Management, LLC, Global Growth Holdings, Inc., Greenfield Capital, LLC, Healthlink Holdings, LLC, Integrity EMR Holdings, LLC, Integrity EMR, LLC, iTech Funding, LLC, Netherlands Insurance Holdings, Inc., NIH Capital, LLC, Sedwick, LLC, and UKAT Holdings, LLC, (“Moving Defendants”) shall move before the Honorable Lisa G. Beckerman, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York, for entry of an Order granting dismissal of plaintiff Universal Life Insurance Company’s adversary complaint pursuant to Rules 9(b), 12(b)(1), 12(b)(2), and 12(b)(6), of the Federal Rules of Civil Procedure, and any further relief as may be deemed just and proper.

**PLEASE TAKE FURTHER NOTICE** that the Moving Defendants will rely upon the Memorandum of Law in Support of their Motion to Dismiss, filed contemporaneously with this Notice of Motion.

**PLEASE TAKE FURTHER NOTICE** that due to the COVID-19 pandemic and in accordance with the Court’s General Order M-543, dated March 20, 2020, the hearing will only be conducted telephonically. Parties should not appear in person and those wishing to participate in the hearing must make arrangements through Court Solutions, LLC. Instructions to register for Court Solutions, LLC are attached to the Court’s General Order M-543.

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<sup>6</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

<sup>7</sup> Moving Defendants assert that this entity is incorrectly identified as a corporation in Plaintiff’s First Amended Complaint.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Stipulation and Order Further Extending Time to Answer and Move to Dismiss [Doc. No. 44], answering papers, if any, containing objections, shall be filed with the Clerk of the Court and served upon the undersigned counsel so as to be received by October 29, 2021. Any Reply by the Moving Defendants shall be filed with the Clerk of the Court and served upon Plaintiff so as to be received by November 19, 2021.

Dated this 1<sup>st</sup> day of October 2021.

Respectfully submitted,

**CONDON TOBIN SLADEK THORNTON NERENBERG,  
PLLC**

/s/ Aaron Z. Tobin

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*Counsel for Moving Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the clerk of Court using the CM/ECF system which will send electronic notification of such filing to all other parties who have filed a notice of appearance.

Signed this the 1<sup>st</sup> day of October 2021.

/s/ Aaron Z. Tobin

Aaron Z. Tobin